

Panaji, 9th August, 2002 (Sravana 18, 1924)

SERIES I No. 19

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### SUPPLEMENT

#### GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/F-2/3508/2002

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 8th August, 2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

#### The Goa Sales Tax (Amendment) Bill, 2002

(Bill No. 9 of 2002)

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BILL

*further to amend the Goa Sales Tax Act, 1964 (Act 4 of 1964).*

BE it enacted by the Legislative Assembly of Goa in the Fifty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Sales Tax (Amendment) Act, 2002.

(2) Sub-section (1) of section 5 of this Act shall be deemed to have come into force on the first

day of April, 2000, while sub-section (2) of section 5 and the remaining sections of this Act shall be deemed to have come into force on the first day of July, 2002.

2. *Amendment of section 7B.*— In section 7B of the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter referred to as the "principal Act"), for the expression "at the rate of five percent of such tax" the expression "at the rate of ten percent of such tax" shall be substituted.

3. *Insertion of new section 7C.*— After section 7B of the principal Act, the following section shall be inserted, namely:—

*"7C. Set off in respect of entry tax paid in certain circumstances.*— Subject to such restrictions and conditions as may be prescribed, a set off of the amount of tax paid under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000), on raw material, packing material and plant and machinery used by Small Scale Industrial Unit on goods manufactured, processed or assembled by it, shall be allowed from total tax payable by such industry during the period under assessment."

4. *Amendment of section 15.*— In section 15 of the principal Act, in sub-section (7), for the existing proviso below clause (b), the following proviso shall be substituted, namely:—

"Provided that, notwithstanding anything contained in this Act and in the rules made thereunder, but subject to such conditions as the Government or the Commissioner, as the

case may be, if it or he thinks fit, may by general or special order specify, where the dealer to whom incentive under the Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2001, has been granted by virtue of eligibility certificate, and when respective Net Present Value has been deposited in accordance with the provisions of this Act and the rules made thereunder, the remaining amount of tax collected shall be deemed to have been paid."

5. *Omission of section 20B.*— (1) Section 20B of the principal Act shall be omitted.

(2) Notwithstanding the omission of section 20B of the principal Act, if any audit of account has been carried out in accordance with the said section during the period between first day of April, 2000 and the day of commencement of this Act, the Assessing Authority shall take cognizance of the said audit for purposes of assessment or for any other matter under the principal Act to the extent required.

6. *Amendment of the Thirtieth Schedule.*— For the thirtieth Schedule appended to the principal Act, the following Schedule shall be substituted, namely:—

### THIRTIETH SCHEDULE

#### Registration/renewal charges under the Goa Sales Tax Act, 1964 (Act 4 of 1964)

(See sections 11(2) and 11A)

Category of dealers	Amount of registration charges	Amount of renewal charges
(1)	(2)	(3)

#### (I) Special category:

(1) Petrol pumps and dealers primarily in petroleum products.	Rs.2,000/-	Rs.1,500/-
(2) Dealers primarily in cooking gas (LPG)	Rs.2,000/-	Rs.1,500/-

#### (II) Hotels, bar and restaurant:

(1) Hotels including bar and restaurant,—	Rs.25,000/-	Rs.18,750/-
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- (a) attached to hotel classified as three star and above by the Director of Tourism, Government of India.

(1)	(2)	(3)
(b) attached to the hotel located in 'A' grade municipal area or coastal village including time sharing/rent back accommodation having swimming pool.		
(c) attached to the hotel classified as 'A' or 'B' grade under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982, (Act 10 of 1982) having swimming pool.		
Any other hotel in 'A' grade municipal area or in coastal village not covered by (a), (b) and (c) above having turnover of cooked food and non-alcoholic drinks in excess of rupees twenty lakhs during the previous year.		
(2) Hotels including bar and restaurant located in 'A' grade municipal area or coastal village and those attached to hotel classified as 'A' or 'B' grade under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982), not covered by (1) above but excluding those having turnover below rupees three lakhs per annum and cold drink houses.	Rs.10,000/-	Rs.7,500/-
(3) Hotels including bar and restaurant not covered under serial numbers (1) and (2) above, having annual turnover of rupees three lakhs and above during pervious year.	Rs. 5,000/-	Rs. 3,750/-
(4) Any other hotel including bar & restaurant, food stall/pantry hawking or otherwise, serving cooked food and non-alcoholic drinks and beverages having turnover below rupees three lakhs during previous year.	Rs. 500/-	Rs. 375/-

(1)	(2)	(3)
(III) Other dealers:		
(1) Turnover limit – upto Rs. 1 lakh	Rs. 250/-	Rs. 187.50/-
(2) Above Rs.1 lakh but below Rs. 3 lakhs	Rs. 500/-	Rs. 375/-
(3) Rs. 3 lakhs but below Rs. 10 lakhs	Rs. 1,000/-	Rs. 750/-
(4) Rs.10 lakhs but below Rs. 40 lakhs	Rs. 2,000/-	Rs. 1,500/-
(5) Rs. 40 lakhs but below Rs. 100 lakhs	Rs. 4,000/-	Rs. 3,000/-
(6) Rs.100 lakhs but below Rs. 500 lakhs	Rs. 6,000/-	Rs. 4,500/-
(7) Rs. 500 lakhs but below Rs.1000 lakhs	Rs. 10,000/-	Rs. 7,500/-
(8) Rs. 10 crores but below Rs. 20 crores	Rs. 25,000/-	Rs. 18,750/-
(9) Rs. 20 crores and above	Rs. 50,000/-	Rs. 37,500/-

7. *Repeal and saving.*— (1) The Goa Sales Tax (Amendment) Ordinance, 2002 (Ordinance No. 3 of 2002), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

#### Statement of Objects and Reasons

The Bill seeks to amend section 7B of the Goa Sales Tax Act, 1964 (Act 4 of 1964) so as to enhance the rate of surcharge from 5% to 10%. The Bill also provide for set off of tax to the extent of entry tax paid by the Small Scale Industrial Units, from sales tax payable by such industry. Section 15 of the said Act is proposed to be amended so as to provide that the tax collected by the dealer, whom incentive under the Deferment-cum-Net Present Value Compulsory Payment Scheme, 2001, has been granted, shall be deemed to have been paid by him when 'net present value' is deposited by him. Section 20B has been omitted so as to do away with compulsory sales tax audit. Charges for renewal of the Certificate of dealer under the Act are reduced by 25% to give solace to the business community.

The Bill also seeks to replace the Goa Sales Tax (Amendment) Ordinance, 2002 (Ordinance

No.3 of 2002), promulgated by the Governor of Goa on 28-6-2002.

This Bill seeks to achieve above objects.

#### Financial Memorandum

No financial implications are involved in this Bill since no additional expenditure will be incurred on account of the proposed amendments.

#### Memorandum Regarding Delegated Legislation

Clause 3 of the Bill empowers the Government to make rules subject to which the tax paid under the Goa Tax on Entry of Goods Act, 2000 (Act 14 of 2000), shall be set off against the tax payable under the Goa Sales Tax Act, 1964.

Clause 4 of the Bill empowers the Government or the Commissioner, to specify conditions by general or special order subject to which the tax collected by the dealer to whom incentive under the Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2001 has been granted, by virtue of eligibility certificate, and when respective Net Present Value has been deposited in accordance with the provisions of this Act, and the rules made thereunder, shall be treated as tax deemed to have been paid.

This delegation is of normal character.

Porvorim-Goa

MANOHAR PARRIKAR

5 August, 2002  
Assembly Hall,

Chief Minister

Porvorim – Goa,

S. A. NARVEKAR

5 August, 2002.

Secretary (Legislature)

Governor's recommendation under Article 207  
of the Constitution

In pursuance of article 207 of the Constitution of India, I, Mohd. Fazal, the Governor of Goa hereby recommend to the Legislative Assembly of Goa the introduction and consideration of the Goa Sales Tax (Amendment) Bill, 2002.

MOHD. FAZAL  
Governor

ANNEXURE

**Extract of the Goa Sales Tax Act, 1964 (Act 4 of 1964)**

1. **Section 7B. Levy of surcharge.**— (1) The tax payable under section 7 shall be increased by surcharge calculated at the rate of five paise of such tax:

Provided that no surcharge shall be payable on petroleum products sold by dealers liable for additional tax under section 7A of this Act and on declared goods specified under section 14 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956).

(2) The provisions of this Act and the Rules made thereunder including those relating to refund of or exemption from tax shall, so far as may be, apply in relation to the levy, assessment and collection of surcharge payable under sub-section (1) as they apply in relation to the levy, assessment and collection of sales tax under this Act.

2. **Section 15. Payment of tax and returns.**— (1)

(7)(a)

(aa)

(b) Any amount of tax or penalty or interest which remains unpaid after the date prescribed for payment or the date specified in the notice for payment, or in the order of imposition of penalty or after the extended date of payment and any installment not duly paid shall be recoverable as arrears of land revenue:

Provided that notwithstanding anything contained in this Act and in the Rules made thereunder, but subject to such conditions as the Government or the Commissioner, as the case may be, if it or he thinks fit, may by general or special order specify, where the dealer to whom incentive by way of 50% subsidy and 50% tax payment scheme has been granted by virtue of eligibility certificate, and when 50% portion representing tax payable under the Act has been deposited in accordance with the provisions of this Act and the rules made thereunder, the remaining 50% of such tax shall be deemed to have been paid.

3. **Section 20B. Audit of accounts.**— Every dealer whose gross turnover in a year exceeds one crore rupees shall get his accounts audited by a Chartered

Accountant and shall submit to the assessing authority a copy of the audited statement of accounts and certificates in the prescribed manner.

**THIRTIETH SCHEDULE**

**Registration/renewal charges under the Goa Sales Tax Act, 1964 (Act 4 of 1964)**

(See sections 11(2) and 11A)

Category of dealers	Amount of registration charges/ Renewal charges
(1)	(2)

(1) Special category:

- |   |             |
|---|-------------|
| (1) Petrol pumps and dealers primarily in petroleum products. | Rs. 2,000/- |
| (2) Dealers primarily in cooking gas (LPG)                    | Rs. 2,000/- |

(II) Hotels, bar and restaurant:

- |  |              |
|--|--------------|
| (1) Hotels including bar and restaurant,—  | Rs. 25,000/- |
| (a) attached to hotel classified as three star and above by the Director of Tourism, Government of India.  |              |
| (b) attached to the hotel located in 'A' grade municipal area or coastal village including time sharing/rent back accommodation having swimming pool.  |              |
| (c) attached to the hotel classified as 'A' or 'B' grade under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982, (Act 10 of 1982) having swimming pool.  |              |
| (d) Any other hotel in 'A' grade municipal area or in coastal village not covered by (a), (b) and (c) above having turnover of cooked food and non-alcoholic drinks in excess of rupees twenty lakhs during the previous year. |              |

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(1)	(2)
(2) Hotels including bar and restaurant located in 'A' grade municipal area of coastal village and those attached to hotel classified as 'A' or 'B' grade under the Goa, Daman and Diu Registration of Tourist Trade Act, 1982 (Act 10 of 1982), not covered by (1) above but excluding those having turnover below rupees three lakhs per annum and cold drink houses.	Rs. 10,000/-
(3) Hotels including bar and restaurant not covered under serial numbers (1) and (2) above, having annual turnover of rupees three lakhs and above during previous year.	Rs. 5,000/-
(4) Any other hotel including bar and restaurant, food stall/pantry hawking or otherwise, serving cooked food and non-alcoholic drinks and beverages having turnover below rupees three lakhs during previous year.	Rs. 500/-
<u>(III) Other dealers:</u>	
(1) Turnover limit - upto Rs.1 lakh	Rs. 250/-
(2) Above Rs.1 lakh but below Rs. 3 lakhs	Rs. 500/-
(3) Rs. 3 lakhs but below Rs. 10 lakhs	Rs. 1,000/-
(4) Rs.10 lakhs but below Rs.40 lakhs	Rs. 2,000/-
(5) Rs. 40 lakhs but below Rs. 100 lakhs	Rs. 4,000/-
(6) Rs.100 lakhs but below Rs. 500 lakhs	Rs. 6,000/-
(7) Rs. 500 lakhs but below Rs. 1000 lakhs	Rs. 10,000/-
(8) Rs. 10 crores but below Rs. 20 crores	Rs. 25,000/-
(9) Rs. 20 crores and above	Rs. 50,000/-

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 8th August, 2002 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### The Goa Tax on Luxuries (Amendment) Bill, 2002

(Bill No. 10 of 2002)

A

BILL

*further to amend the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988).*

BE it enacted by the Legislative Assembly of Goa in the Fifty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Tax on Luxuries (Amendment) Act, 2002.

(2) It shall be deemed to have come into force with effect from the first day of July, 2002.

2. *Amendment of section 5.*— In section 5 of the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988), for sub-section (2), the following shall be substituted, namely:—

“(2) There shall be levied a tax on the turnover of receipts at the following rates, namely:—

- |   |  |
|---|--|
| (a) Where the charge for luxury provided in a hotel exceeds Rs. 1500/-  | 8% of the charge per day of luxury provided. |
| (b) where the hotel providing luxury is classified or recognized as three star and above by the Department of Tourism, Government of India. | 8% of the charge per day of luxury provided. |

- (c) In any other cases 5% of the charge per day of luxury provided.

*Note:-* Whereas the luxuries provided in a hotel are under Timeshare Agreement or under package deal agreement or under any such system, the rate of tax for the charge of the luxuries provided shall be in accordance with clause (c) above:

Provided that where the charges are levied otherwise then on daily basis, then the charges for determining the tax liability under this section shall be computed proportionately for a day and based on the total period of occupation of the accommodation for which the charges are made."

3. *Repeal and saving.*— (1) The Goa Tax on Luxuries (Amendment) Ordinance, 2002 (Ordinance No.4 of 2002), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

#### Statement of Objects and Reasons

The Bill seeks to amend section 5 of the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988), so as to modify the rates of tax applicable to luxuries provided in a hotel, under the said Act.

This Bill seeks to replace the Goa Tax on Luxuries (Amendment) Ordinance, 2002 (Ordinance No. 4 of 2002), promulgated by the Governor of Goa on 28-6-2002.

#### Financial Memorandum

No financial implications are involved in this Bill since no additional expenditure will be incurred on account of the proposed amendments.

Porvorim-Goa,  
5 August, 2002.

MANOHAR PARRIKAR  
Chief Minister

Assembly Hall,  
Porvorim-Goa,  
5 August, 2002.

S. A. NARVEKAR  
Secretary (Legislature)

Governor's recommendation under Article 207 of the Constitution

In pursuance of article 207 of the Constitution of India, I, Mohd. Fazal, the Governor of Goa hereby recommend to the Legislative Assembly of Goa the introduction and consideration of the Goa Tax on Luxuries (Amendment) Bill, 2002.

MOHD. FAZAL  
Governor

#### ANNEXURE

#### Extract of the Goa Tax on Luxuries Act, 1988 (Act 17 of 1988)

#### 1. Section 5. Incidence and Levy of Tax.- (1).....

(2) There shall be levied a tax on the turnover of receipts at the following rates, namely:—

- |   |   |
|---|---|
| (a) Where the charge for luxury provided in a hotel exceeds Rs.1500/-.  | 12% of the charge per day of luxury provided. |
| (b) Where the hotel providing luxury is classified or recognized as three star and above by the Department of Tourism, Government of India. | 12% of the charge per day of luxury provided. |
| (c) In any other cases  | 8% of the charge per day of luxury provided.  |

*NOTE:* Where the luxuries provided in a hotel are under Timeshare Agreement or under package deal agreement or under any such system, the rate of tax for the charge of the luxuries provided shall be in accordance with clause (c) above:

Provided that where the charges are levied otherwise then on daily basis, then the charges for determining the tax liability under this section shall be computed proportionately for a day and based on the total period of occupation of the accommodation for which the charges are made.